

SERVED: February 2, 1999

NTSB Order No. EA-4741

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 2nd day of February, 1999

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JANE F. GARVEY,)
Administrator,)
Federal Aviation Administration,)
)
Complainant,)
)
v.)
)
WAYNE E. LAMBERT,)
)
Respondent.)
)
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Docket SE-15025

ORDER DISMISSING APPEAL

On October 6, 1998, respondent filed a notice of appeal from the written decision Administrative Law Judge William E. Fowler, Jr., served in this case on September 30, 1998.¹ However, respondent did not file an appeal brief by October 30, 1998, that is, within 30 days after the decision was rendered.² His appeal is therefore subject to dismissal under section 821.48(a) of the

¹The law judge granted a motion by the Administrator for judgment on the pleadings. In her complaint, the Administrator alleged, inter alia, that respondent's private pilot certificate (No. 254840641) should be revoked pursuant to section 61.15(a)(2) of the Federal Aviation Regulations, based on his conviction in Federal court of a drug offense.

²The Board has not received any further filings from respondent.

Board's Rules of Practice, 49 CFR Part 821. ³ The Board does not accept late-filed appeals or appeal briefs absent a showing of good cause. See, e.g., Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT :

Respondent's appeal is dismissed.

Daniel D. Campbell
General Counsel

³Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) *Appeal briefs.* Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.